

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

GREGORY DUANE HANSON

Plaintiffs,

v.

THOMAS WILSON, BALTISAR,  
SEGOVIA, DOE 1, DOE 2, DOE 3  
sued in their individual capacities,

Defendant.

CV-18-22-H-BMM-JTJ

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

Plaintiff Gregory Hanson is proceeding in forma pauperis and without counsel. Magistrate Judge Johnston issued a Scheduling Order requiring the parties to file an initial disclosure statement within 60 days and to exchange documents which may be used in proving or denying any party's claims or defenses. (Doc. 14 at 1-3, ¶ I(A), (B)).

Defendants filed a motion for summary judgment based upon Mr. Hanson's alleged failure to exhaust his administrative remedies. (Doc. 19). Judge Johnston issued an Order requiring Mr. Hanson to file his disclosure statement within 30 days of July 18, 2018. (Doc. 23). Mr. Hanson was specifically warned that a failure to file a disclosure statement would result in a recommendation that this matter be dismissed. (*Id.*).

Despite this warning, Mr. Hanson has not complied with Paragraphs I(A) and I(B) of the Judge Johnston's Scheduling Order (Doc. 14) and he has not responded to Defendants' motion for summary judgment (Doc. 19) within the time afforded by Local Rule 7.1(d)(1).

Based upon Mr. Hanson's failure to comply with the Court's Scheduling Order (Doc. 14) and the Court's July 18, 2018 Order (Doc. 23) and Mr. Hanson's failure to respond to Defendants' Motion for Summary Judgment (Doc. 19), Judge Johnston recommends this matter be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

No party filed objections to Judge Johnston's Findings and Recommendations. The Court has reviewed the Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

## **ORDER**

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 27) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that this matter is DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of the Court is directed to close this matter, enter judgment pursuant to Rule 58 of the Federal

Rules of Civil Procedure, and terminate all pending motions. The Clerk of the Court is further directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision should not be taken in good faith.

DATED this 6th day of November, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris  
United States District Court Judge